

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 29 May 2000 (29.05.00)	
International application No. PCT/BE99/00123	Applicant's or agent's file reference 29202-WO-U
International filing date (day/month/year) 28 September 1999 (28.09.99)	Priority date (day/month/year) 29 September 1998 (29.09.98)
Applicant BROCHEZ, Alain	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
10 April 2000 (10.04.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer S. Mafla
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 29202-WO-U	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/BE99/00123	International filing date (day/month/year) 28/09/1999	Priority date (day/month/year) 29/09/1998
International Patent Classification (IPC) or national classification and IPC E06B3/96		
Applicant BROCHEZ, Alain		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 10/04/2000	Date of completion of this report 19.12.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Saretta, G Telephone No. +49 89 2399 7323 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/BE99/00123

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-22 as originally filed

Claims, No.:

1-28 as originally filed

Drawings, sheets:

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/BE99/00123

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application.

☐ claims Nos. .

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-28 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/BE99/00123

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item III and VIII

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability; certain observations on the international application

1. Independent claims 1, 27 and 28 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined.
 - 1.1 The term "infeed" used in claim 1 is obscure and leaves the reader in doubt as to the meaning of the technical feature to which it refers. The description and the drawings (see fig. 1) convey the impression that, by the term "infeed", an "insert" is meant.
 - 1.2 To claim 1: it is considered that the expression: "corner joint...characterised in that it is provided with supplementary features which increase the resistance of this corner joint and thus of the mitre as a whole against deformation" attempts to define the subject-matter in terms of the **result to be achieved** which merely amounts to a statement of the underlying problem.
By reading this independent claim, the skilled man is not able to determine which technical features are necessary to perform the stated result.
 - 1.3 To claim 27: it is considered that the expression: "infeed corner piece for realising a corner joint according to any of the preceding claims...characterised in that this infeed corner piece has one or several of the characteristics which are described in the preceding claim[s] in relation to this infeed corner piece" is ambiguous, as the plurality of options makes it impossible to determine the matter for which protection is sought.
The same applies to claims 3, 4, 6, 7 and 13 (see point 2.).
 - 1.4 To claim 28: the expressions: "...theoretically perfect shape..." and "...their perfect shape..." are unclear and leave the reader in doubt as to the technical feature to which they refer.
The expression: "locking means...in the shape of inwardly bent lips which are formed by pressing them in" is vague, as it is not clear on which element of the corner joint said "lips" have to be formed.
Furthermore, it is noted that a method for realising a corner joint according to

claim 26 is claimed: nevertheless, said "inwardly bent lips" are not disclosed in claim 26.

2. With regard to the dependent claims, lack of clarity as a whole arises as the plurality of claims makes it difficult to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

This situation is exacerbated for claims 3, 4, 6, 7 and 13, where the plurality of **options** within each claim makes it impossible to determine the claimed subject-matter. Hence, said claims do not meet the requirements of Article 6 PCT.

3. Furthermore, the present application contains relative expressions which have no well-recognised meaning and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT). Examples of said relative terms are the following:
 - a. claim 2: "...significantly deeper...";
 - b. claim 2: "...predominantly free of any material, possibly to the exception of a number...";
 - c. claim 3: "...close to the maximally admitted upsetting...";
 - d. claim 3: "...nominally sufficiently large...";
 - e. claim 3: "...an upsetting is applied whose useful working force on the total mitre can only be increased by enlarging the deposit surface...";
 - f. claim 26: "...characterised in that the above-mentioned supplementary features consist of the right adjustment and/or positioning and/or combination of several of the components...".

Re Item VII

Certain defects in the international application

4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents DE 43 05 377 A and NL 7 213 375 A is not mentioned in the description, nor are these documents identified therein.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 29202-W0-U	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/BE 99/ 00123	International filing date (day/month/year) 28/09/1999	(Earliest) Priority Date (day/month/year) 29/09/1998
Applicant BROCHEZ, Alain		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

1
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

CT/BE 99/00123

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 E06B3/96

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 E06B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 43 05 377 A (HUECK EDUARD GMBH CO KG) 1 September 1994 (1994-09-01) column 3, line 26 -column 4, line 6 figures 3,4	1,9, 15-17,23
Y		26-28
A		2-6,13
X	NL 7 213 375 A (HUECK EDUARD) 6 April 1973 (1973-04-06) page 2, line 31 -page 3, line 10 figures 1,7	1,9-11, 15-17
A		2-6,13
X	DE 25 32 890 A (KREUSEL) 10 February 1977 (1977-02-10) page 2, line 1 -page 6, line 7 figures 1,2	1,9,12, 15-17
A		2-6
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Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

19 November 1999

Date of mailing of the international search report

29/11/1999

Name and mailing address of the ISA

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Verdonck, B

INTERNATIONAL SEARCH REPORT

International Application No

PCT/BE 99/00123

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 790 087 A (PRESSTA EISELE GMBH) 20 August 1997 (1997-08-20) the whole document -----	26-28

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/BE 99/00123

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 4305377	A	01-09-1994	ES 2112687 A FR 2702014 A IT 1273758 B	01-04-1998 02-09-1994 10-07-1997
NL 7213375	A	06-04-1973	AT 335150 B AT 847172 A BE 789600 A DE 2149422 A DK 139483 B FR 2155990 A GB 1396177 A	25-02-1977 15-06-1976 01-02-1973 26-04-1973 26-02-1979 25-05-1973 04-06-1975
DE 2532890	A	10-02-1977	NL 7605436 A	25-01-1977
EP 0790087	A	20-08-1997	DE 19605991 A	21-08-1997